



# **VAAFM**

## **Title VI / Limited English Proficiency Plan 2018-2019**

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**VAAFM**

**Title VI / Limited English Proficiency Plan 2017-18**

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## **I. Notification of Title VI Protections**

VAAFM maintains a statement of policy regarding Title VI protections on its website at the following address <https://agriculture.vermont.gov/food-safety/vermont-meat-poultry-inspection/civil-rights>

This statement is reproduced below and incorporated into all public notices.

### **Non-Discrimination Statement**

In accordance with Federal Law and U. S. Department of Agriculture (USDA) policy, the Vermont Meat Inspection Section is prohibited from discrimination in its programs and services on the basis of race, color, religious creed, sex, political beliefs, age, disability, national origin, limited English proficiency, and where applicable, marital status, familial status, parental status, sexual orientation, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program.

## II. Title VI Complaint Procedures

### Vermont Agency of Agriculture Meat Inspection Title VI Complaint Procedure

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, or national origin, may file a complaint with the Vermont Agency of Agriculture, Food and Markets, or the US Department of Agriculture.

#### To File a Program Complaint

To file a complaint of discrimination write or call:

Vermont Human Rights Commission 14-16 Baldwin Street Montpelier, VT 05633-6301 (800)416-2010 (in State only) (802)828-1625 Fax: (802)828-2481 <a href="mailto:Human.rights@vermont.gov">Human.rights@vermont.gov</a>	Vermont Agency of Agriculture, Food and Markets Director, Food Safety and Consumer Protection Division 116 State Street Montpelier, Vermont 05620 (802) 828-2426 Fax: (802) 828-5981 Email address: <a href="mailto:AGR.MeatInspection@vermont.gov">AGR.MeatInspection@vermont.gov</a>
Vermont Department of Human Resources Laurie Bouyea-Dumont, HR Manager <a href="mailto:Laurie.Bouyea-Dumont@vermont.gov">Laurie.Bouyea-Dumont@vermont.gov</a> 802-272-5903  Dawn O'Toole Chief Operating Officer, 802-241-0440, <a href="mailto:ahs.secretary@vermont.gov">ahs.secretary@vermont.gov</a>	U.S. Department of Agriculture Director, Office of Adjudication 1400 Independence Avenue, SW Washington, DC 20250-9410 Fax: (202)690-7442 Email: <a href="mailto:Program.intake@usda.gov">Program.intake@usda.gov</a> Web site: <a href="https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer">https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer</a> (866) 632-9992 (toll free voice) (800) 877-8339 (Federal Relay Service)

[State of Vermont Discrimination Complaints Labor Relations Policy](#)

[ADA/ADAA Grievance Procedure Policy 10.2](#)

#### **Persons with Limited English Proficiency or Disabilities**

Persons with Limited English Proficiency (LEP) who wish to file a program complaint, free language assistance is available. Please see information above on how to contact us by phone, mail or by email.

Les personnes ayant un faible niveau d'anglais qui souhaitent déposer une plainte relative au programme, une aide linguistique gratuite est disponible. S'il vous plaît voir les informations ci-dessus sur la façon de nous contacter par téléphone, par courrier ou par e-mail.

Las personas con dominio limitado del inglés que desean presentar una queja del programa, tendrán disponibles asistencia lingüística gratuita. Consulte la información anterior sobre cómo comunicarse con nosotros por teléfono, correo o correo electrónico.

Persons with disabilities who require alternative means for communication or program information (Braille, large print, audiotape, etc.) please contact the Vermont Meat Inspection Program at 802-828-2426 (voice) or email at: [AGR.MeatInspection@vermont.gov](mailto:AGR.MeatInspection@vermont.gov)

or via the state telecommunications relay number at:

711 (800)253-0191 (TTY)

(800)253-0195 (V) (877)253-5424 (STS Spanish)

### **III. Access to Services by Persons with LEP**

#### ***A. Introduction***

This Limited English Proficiency (LEP) plan was developed to ensure equal access to services provided by the VT Agency of Agriculture, Food and Markets (VAAFMM) for persons with limited English proficiency. LEP persons are defined as individuals who do not speak English as their primary language, and who have a limited ability to read, write, speak, or understand English. This plan is subject to review and periodic updates.

#### ***B. Legal Authority***

Title VI of the Civil Rights Act of 1964 prohibits discrimination, in part, on the basis of national origin in the delivery of services or benefits funded by the Federal government. Under this law, federally assisted programs must ensure their activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI's prohibition against national origin discrimination. Executive Order 13166, "Improving Access to Services for Persons with LEP", was signed on August 11, 2000, provides further direction, requiring that Federal agencies provide meaningful access to federally assisted programs and activities for LEP persons. In addition, the Order requires that Federal agencies create plans to provide LEP persons with meaningful access to federally conducted programs and activities.

In August 2000, the Department of Justice (DoJ) issued guidance for agencies to follow in creating plans to make services, activities, and programs accessible for LEP persons. The guidance provided four factors for agencies to consider when developing their LEP plans. These factors were: (1) the number of LEP persons in the eligible service population or likely to be encountered in recipient activities and programs; (2) the frequency with which LEP persons come into contact with the program; (3) the importance of the service or information provided by the program; and (4) the resources available to the recipient of Federal funds.

The USDA published "Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency" in the Nov. 28, 2014 Federal Register. The guidance explicitly identifies state agencies as organizations required to follow Executive Order 13166.

USDA regulations require all recipients of Federal financial assistance from USDA to provide meaningful access to LEP persons. Federal financial assistance includes grants, below-market loans,

training, and use of equipment, donations of surplus property, and other assistance. Covered entities include, but are not limited to:

- State and County agencies, offices, and their subdivisions;
- Private vendors, agents, contractors, associations, and corporations;
- Colleges, universities, and elementary and secondary schools;
- County, district, and regional committees/councils;
- Nursing homes, summer camps, food banks, and housing authorities;
- Research and promotion boards; and
- Other entities receiving, directly or indirectly, Federal financial assistance provided by

USDA.

Subrecipients likewise are covered when Federal funds are passed through from a recipient to a subrecipient. Coverage extends to a recipient's entire program or activity, *i.e.*, to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal financial assistance. For example, USDA provides assistance to a University's outreach department to provide business development services to local farmers and ranchers. In such a case, all operations of the University, not just those of the University's outreach department are covered.

To meet Title VI and LEP requirements of the USDA, VAAFM will evaluate, on a continuing basis, activities that would be appropriate for compliance with LEP requirements.

### ***C. Agency Mission***

The Vermont Agency of Agriculture's mission is to facilitate, support and encourage the growth and viability of agriculture while protecting the working landscape, human health, animal health, plant health, consumers and the environment.

### ***D. Policy***

As a result of the Cooperative Agreement with the USDA FSIS to provide state inspection services, VAAFM has an obligation to ensure that reasonable steps are taken to provide meaningful access and an equal opportunity to participate in services, activities, programs and other benefits to individuals whose first language is not English. These services need to be "at least equal to" the services that FSIS provides to its LEP customers. This policy includes providing oral interpretation or requested written translation of vital documents and other information to LEP persons and their authorized representatives. All interpreters, translators, and other aids needed to comply with this policy will be provided without cost to the person being served. The Agency is committed to ensuring that entities that receive financial assistance from VAAFM provide meaningful access to their programs and services to persons who, as a result of national origin, are limited in English proficiency. It is VAAFM's policy to ensure that no person is subjected to prohibited discrimination by programs receiving financial assistance from VAAFM based on national origin.

Federally Assisted Program Areas within the Agency will use this plan as a guide for developing their own LEP plan.

### ***E. Definitions***

**Agency** - A major program organizational unit of the Department with delegated authorities to deliver programs, activities, benefits, and services.

**American English** - A set of dialect/language used primarily in the United States.

**Bilingual** - The knowledge and ability to understand, speak, read, and write fluently in two languages easily.

**Certified Interpreter** - An individual who has taken and passed an examination administered by a knowledgeable authority.

**Discrimination** - The unfavorable treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person belongs rather than on individual merit.

**Federally Assisted Program** - All programs and operations of entities that receive assistance from the Federal government

**Interpretation** - Listening to communication in one language and orally converting it to another language while retaining the same meaning.

**Language Access** - Efforts to make programs and services accessible to individual who are not proficient in English.

**Language Assistance Services** - Interpretation or translation services that assist LEP persons in understanding or communicating in another language.

**Limited English Proficiency Person** - An individual who does not speak English as his or her primary language and has a limited ability to reason, speak, write or understand English.

**Translation**-The process of transferring ideas expressed in writing from one language to another.

**Translator** - A person who converts language into an alternative form of communication so it is understandable to persons who communicate differently.

**Vital Document** - Paper or electronic written material that contains information that is critical for accessing a program or activity, or is required by law, such as consent forms, applications, and notices of rights.

## ***F. Current LEP Practices***

The state contracts the use of translation and interpretation services through Telelanguage Inc. These services include interpretation services available for staff in the office and in the field. Translation services are also contracted from this service. See Attachment 3 for more information.

Currently, Agency policies/pamphlets/forms needing translation would be done on a request basis. These services have not been requested from the office.

## ***G. Agency Plan and Four Factor Analysis***

The Agency's plan is based on a four-factor analysis, which is used to determine the appropriate language assistance services to ensure that an LEP person has meaningful access to the Agency's program and activities.

The four factors on which this plan is based are incorporated into the plan:

*Factor 1: Determine the number or proportion of LEP persons eligible to be served or likely to be encountered by the program.*

*Factor 2: The frequency with which LEP persons come in contact with the program.*

*Factor 3: The nature and importance of the program, activity, or service provided by the program to LEP Persons.*

*Factor 4: Determine the resources available to the program and costs associated with providing LEP services.*

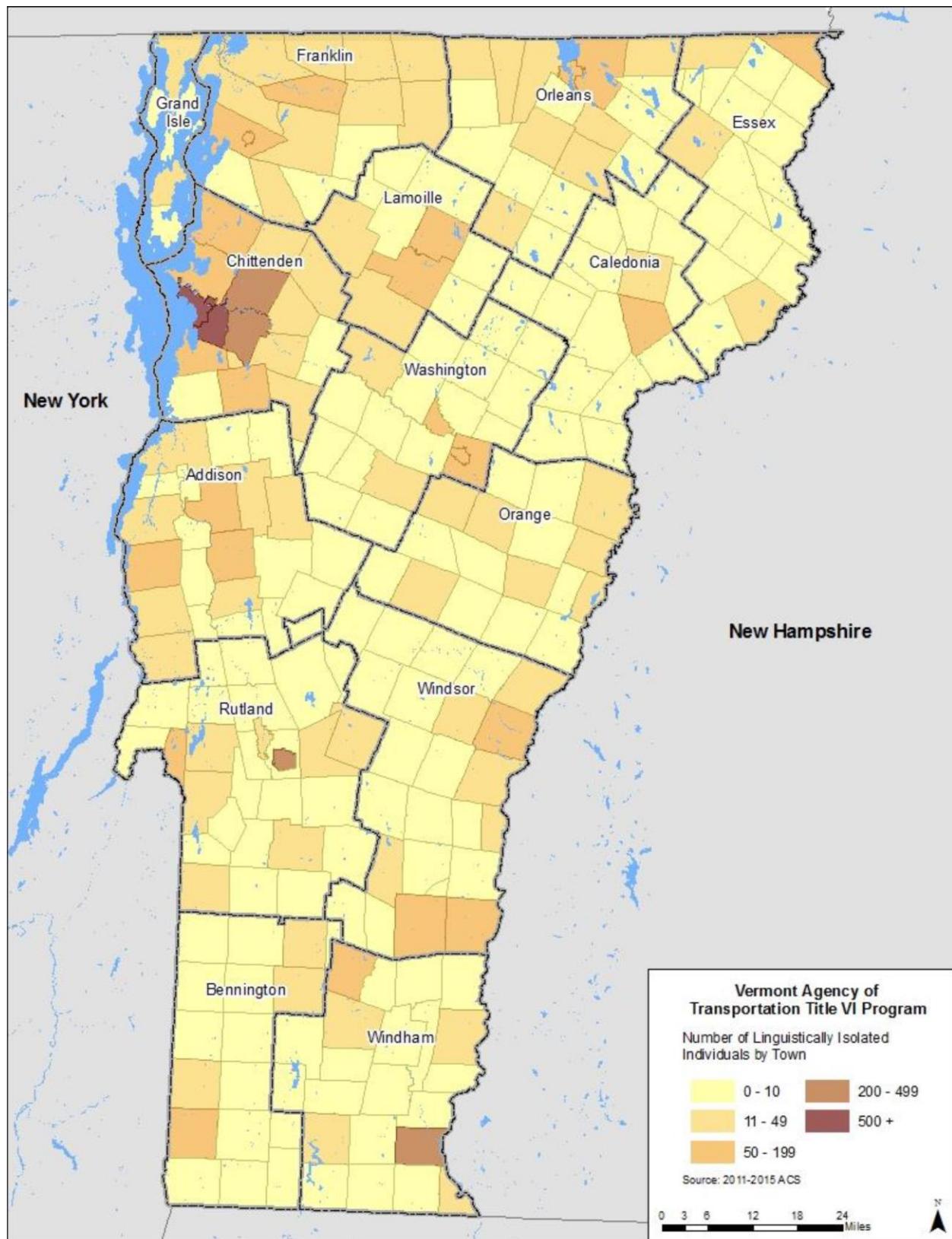
## **Factor 1 – Prevalence of LEP Persons**

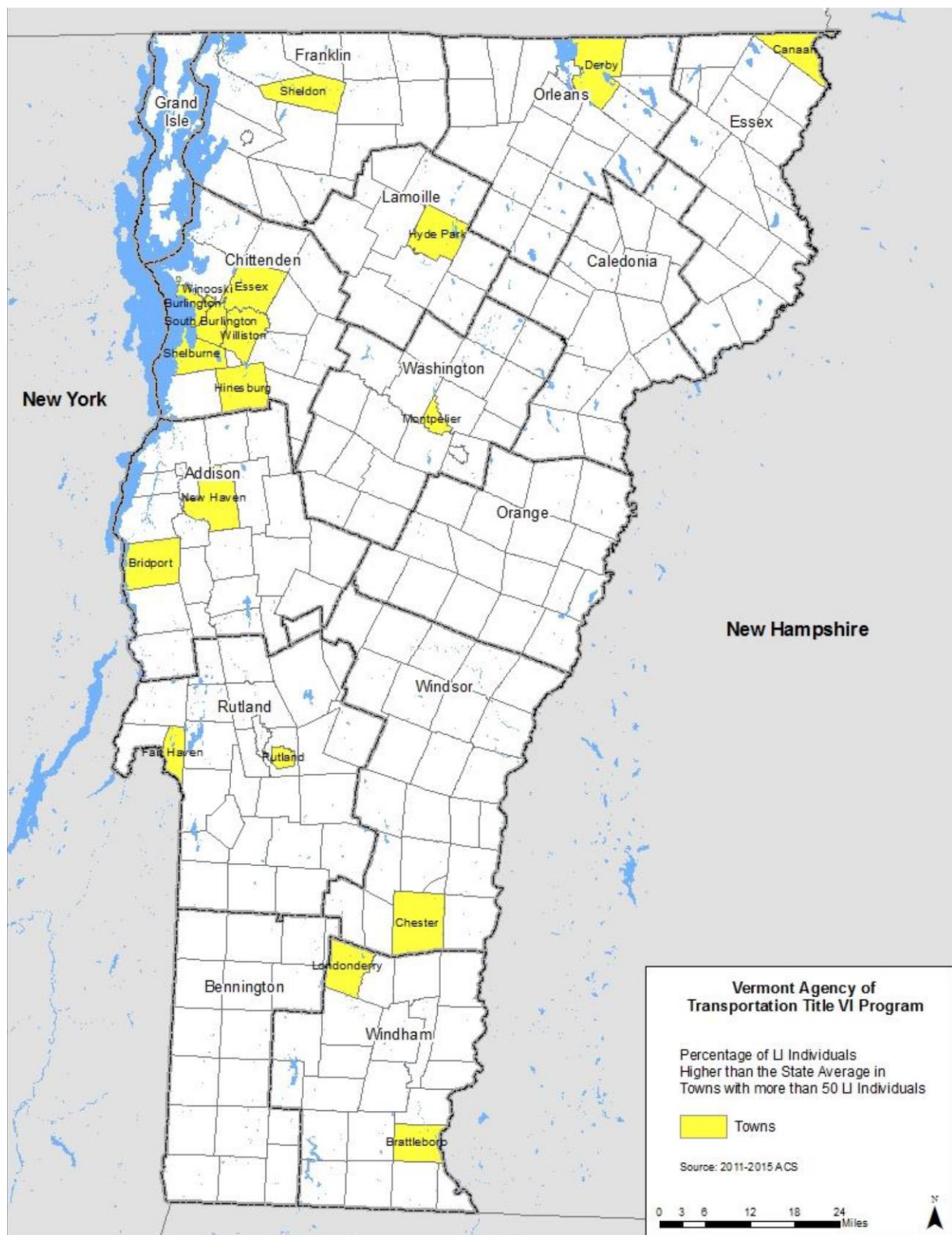
The Agency gathered and reviewed demographic data for languages primarily spoken in geographical areas of the state. This enables the Agency to determine languages that VAAFM employees may encounter. According to the 2011-2015 American Community Survey, 8,541 citizens of the state of Vermont ages 5 or older spoke English less than very well, representing 1.43% of the population. The largest language-group among these LEP persons was French with 1,570 LEP individuals, reflecting French-Canadians who are represented in rural areas across the northern tier of Vermont. Spanish speakers were the second largest group, with 1,359 LEP individuals. Many of the Spanish speakers are migrant farmworkers in the rural areas of the state. These groups each represent about 0.25% of the total population. Maps and tables presented on the following pages show the number and percentages of LEP persons by town for all languages combined, and by county for French and Spanish.

LEP Guidance from USDA recommends that “[r]ecipients should first examine their prior experiences with LEP individuals and determine the breadth and scope of language services that are needed.” VAAFM utilized Attachment #1 to initially gather data of contacts with LEP persons. VAAFM will review and analyze data collected from the use of Attachment #1 going forward to determine: 1) the nature of the contact with LEP persons; and 2) the breadth and scope of language services that are needed. Factor 2 discusses the frequency of this contact in more depth.

The maps presented on the next two pages illustrate where LEP individuals reside in the state of Vermont. These are based on 2011-2015 American Community Survey data. The first map shows the number of individuals by town who speak English “less than very well.” In 58 of the 251 minor civil divisions in Vermont, there are zero people who are “linguistically isolated” (i.e. speaking English less than very well). In another 99 towns, there are between 1 and 10 linguistically isolated individuals. The LEP guidance from DOT indicates lower requirements for recipients that serve “very few” LEP individuals; the Safe Harbor provision in FTA Circular C 4702.1B (page III-9) indicates 50 individuals is the threshold for reduced requirements. In total, 223 of Vermont’s 251 cities and towns (89%) have fewer than 50 LEP individuals. There were only seven municipalities with more than 200 LEP individuals; five of these were in Chittenden County. The other two were Rutland and Brattleboro. The second map shows municipalities that have at least 50 LEP individuals where the percentage of such individuals is higher than the statewide average of 1.43%. These cities and towns represent “concentrations” of LEP individuals.







It is clear from the data, as well as from the experience of the transit providers, that LEP is not a widespread issue in Vermont. Outside of the core of Chittenden County, there are only eight towns where there are 100 or more people who don't speak English very well. Several of these rank among the more populous municipalities in Vermont: Rutland, Brattleboro, Bennington, St. Johnsbury, Montpelier and Barre. There are two rural communities with more than 100 LEP individuals: Sheldon (near the Canadian border) and Hyde Park (in Lamoille County). The majority of LEP individuals in these towns are Spanish speakers, likely representing migrant farm workers.

The next step in the analysis was to consider specific language groups and where there are concentrations of individuals who do not speak English well. In the maps above, it can be seen that at the town level, other than in the core of Chittenden County, the numbers of people who do not speak English well are small. When these groups are broken down further into specific languages, the numbers become even smaller. Therefore, this phase of analysis was undertaken at the county level.

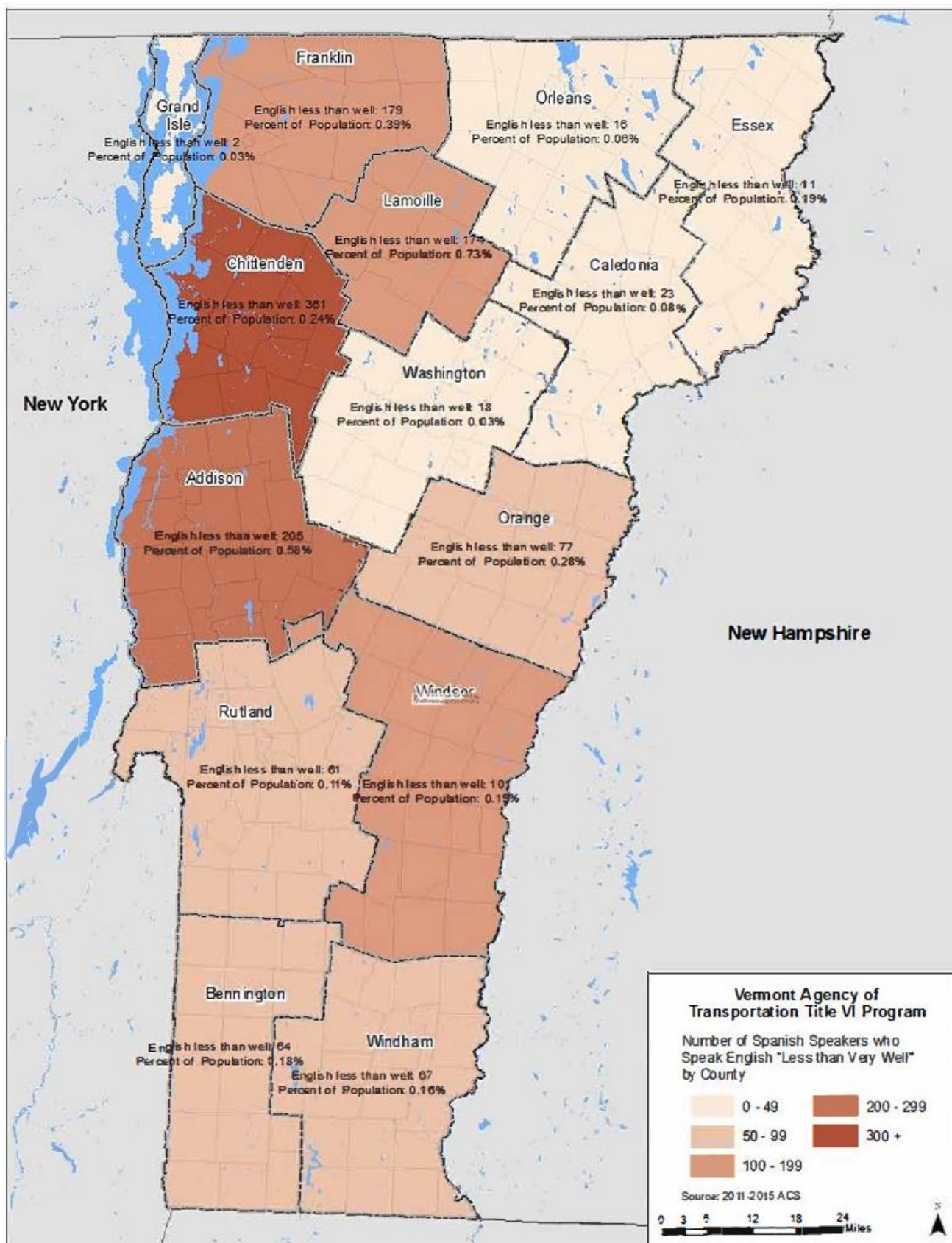
The maps on the following two pages display the number of persons who speak English "less than very well" and whose primary language is Spanish or French. Statewide, these are the only two languages that have more than one thousand individuals who speak English less than very well. (The language group "Other Indic Languages" has nearly 1,000 individuals, but these are concentrated in Burlington and Winooski, reflecting an influx of refugees from Bhutan over the past decade.)

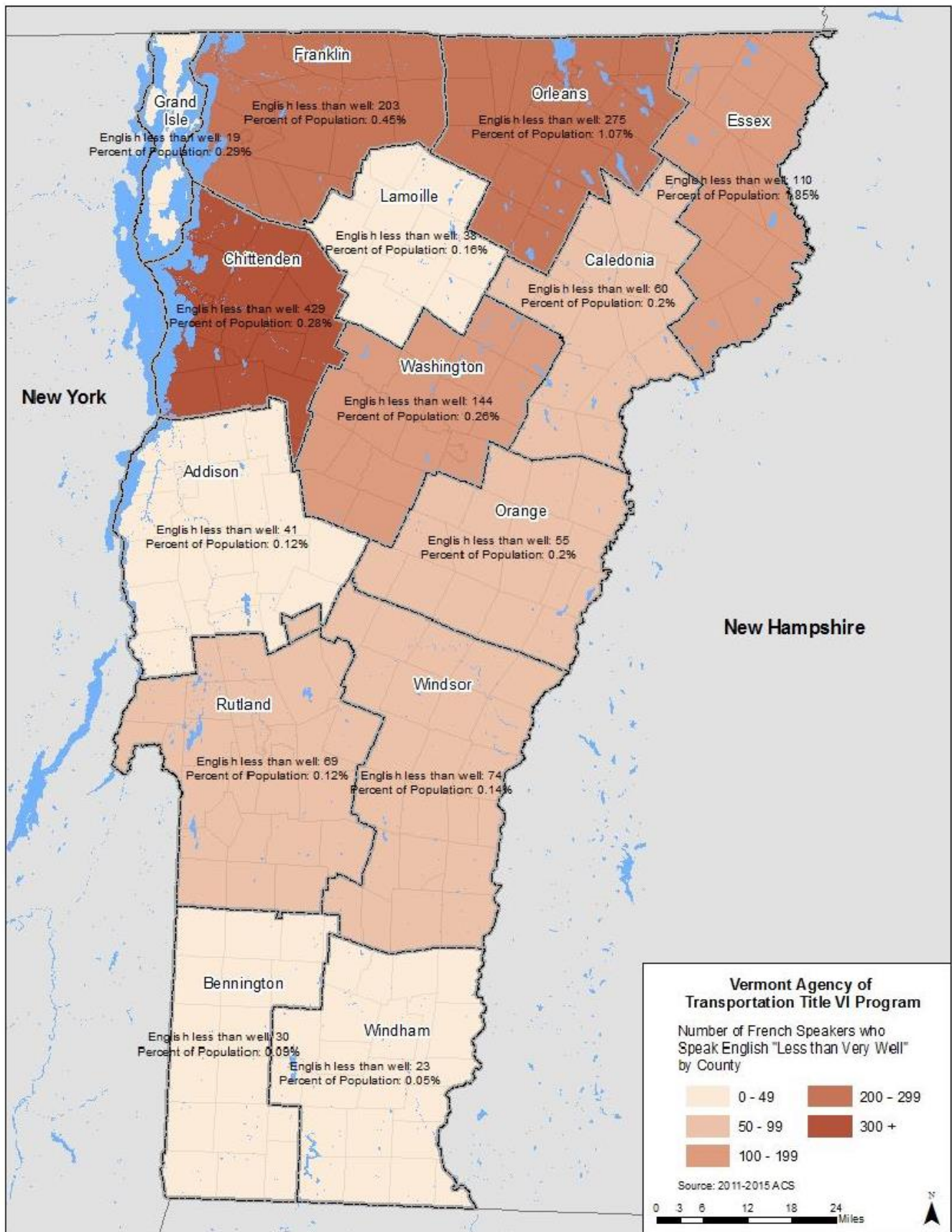
On the Spanish map, it can be seen that only two counties, Addison and Chittenden, have over 200 Spanish-speaking individuals that speak English less than very well. Only in Addison County is the percentage of people in this group more than one half of one percent of the population.

In the French map, a clear bias toward the northern tier of counties is visible, due to its proximity to Quebec and historical migration patterns and interactions with the Canadian province. Five northern counties have more than 100 French-speaking individuals who speak English less than very well, and the percentage rises to 1.9% in sparsely populated Essex County and 1.1% in Orleans County.

Information about all other languages spoken in Vermont is shown on the table following the maps. This information, as well as the data for the maps, is drawn from the 2011-2015 American Community Survey from the US Census.









## Number of Individuals Who Speak English Less than Very Well by Language and County

Language	Vermont	Addison County	Bennington County	Caledonia County	Chittenden County	Essex County	Franklin County	Grand Isle County	Lamoille County	Orange County	Orleans County	Rutland County	Washington County	Windham County	Windsor County
Total Population	596,209	35,370	34,863	29,447	151,897	5,936	45,562	6,658	23,677	27,572	25,772	57,819	56,181	41,870	53,585
Spanish or Spanish Creole	1,359	205	64	23	361	11	179	2	174	77	16	61	18	67	101
French (incl. Patois, Cajun)	1,570	41	30	60	429	110	203	19	38	55	275	69	144	23	74
French Creole	32	-	-	-	-	-	-	-	-	-	-	32	-	-	-
Italian	122	4	4	-	50	2	3	-	11	-	-	28	-	18	2
Portuguese or Portuguese Creole	99	-	-	1	56	4	-	4	27	-	-	5	-	2	-
German	280	6	48	-	45	2	8	5	3	23	11	23	42	23	41
Yiddish	4	2	-	-	-	-	-	-	-	-	2	-	-	-	-
Other West Germanic languages	26	10	-	-	9	-	-	-	-	-	-	-	-	-	7
Scandinavian languages	26	-	-	-	-	-	-	5	2	-	5	8	-	6	-
Greek	67	-	-	-	24	-	-	-	-	5	2	5	-	-	31
Russian	204	4	3	5	166	-	-	5	-	-	-	3	3	-	15
Polish	74	5	-	3	37	-	19	-	-	-	6	1	3	-	-
Serbo-Croatian	508	31	-	-	352	-	-	2	-	-	-	-	123	-	-
Other Slavic languages	34	1	-	-	15	-	-	-	-	2	-	11	3	2	-
Persian	48	-	-	-	36	-	3	-	-	-	-	-	9	-	-
Hindi	31	-	-	4	27	-	-	-	-	-	-	-	-	-	-
Urdu	21	15	-	-	-	-	-	-	-	-	-	-	6	-	-
Other Indic languages	939	-	-	-	936	-	-	-	-	3	-	-	-	-	-
Other Indo-European languages	123	1	-	3	89	-	-	-	-	-	-	-	-	28	2
Chinese	720	5	6	76	407	3	6	-	-	4	9	88	3	53	60
Japanese	147	3	60	3	-	-	2	-	-	11	-	57	11	-	-
Korean	116	16	2	1	28	-	-	-	-	-	2	-	5	-	62
Thai	126	3	2	-	84	-	7	-	-	-	-	27	3	-	-
Laotian	104	-	-	-	33	-	-	-	-	-	-	-	-	71	-
Vietnamese	580	5	24	-	498	-	-	-	-	-	-	33	18	-	2
Other Asian languages	266	-	-	-	242	-	-	-	-	-	-	-	-	19	5
Tagalog	129	2	-	-	42	-	8	-	-	-	3	61	3	4	6
Other Pacific Island languages	64	-	-	-	9	-	-	-	-	3	2	29	-	21	-
Other Native N. Amer. languages	2	-	-	-	-	-	-	-	-	-	-	-	-	-	2
Hungarian	7	2	-	-	-	-	-	-	-	-	-	5	-	-	-
Arabic	300	-	-	3	282	-	-	-	-	-	-	-	-	15	-
Hebrew	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
African languages	403	9	2	-	351	-	-	-	-	-	-	12	5	24	-
Other and unspecified languages	10	-	-	-	-	-	-	-	-	-	10	-	-	-	-

Source: 2011-2015 American Community Survey

### Percentage of Population that Speaks English Less than Very Well by Language and County

Language	Vermont	Addison County	Bennington County	Caledonia County	Chittenden County	Essex County	Franklin County	Grand Isle County	Lamoille County	Orange County	Orleans County	Rutland County	Washington County	Windham County	Windsor County
Spanish or Spanish Creole	0.23%	0.58%	0.18%	0.08%	0.24%	0.19%	0.39%	0.03%	0.73%	0.28%	0.06%	0.11%	0.03%	0.16%	0.19%
French (incl. Patois, Cajun)	0.26%	0.12%	0.09%	0.20%	0.28%	1.85%	0.45%	0.29%	0.16%	0.20%	1.07%	0.12%	0.26%	0.05%	0.14%
French Creole	0.01%											0.06%			
Italian	0.02%	0.01%	0.01%		0.03%	0.03%	0.01%		0.05%			0.05%		0.04%	0.00%
Portuguese or Portuguese Creole	0.02%			0.00%	0.04%	0.07%		0.06%	0.11%			0.01%		0.00%	
German	0.05%	0.02%	0.14%		0.03%	0.03%	0.02%	0.08%	0.01%	0.08%	0.04%	0.04%	0.07%	0.05%	0.08%
Yiddish	0.00%	0.01%									0.01%				
Other West Germanic languages	0.00%	0.03%			0.01%										0.01%
Scandinavian languages	0.00%							0.08%	0.01%		0.02%	0.01%		0.01%	
Greek	0.01%				0.02%					0.02%	0.01%	0.01%			0.06%
Russian	0.03%	0.01%	0.01%	0.02%	0.11%			0.08%				0.01%	0.01%		0.03%
Polish	0.01%	0.01%		0.01%	0.02%		0.04%				0.02%	0.00%	0.01%		
Serbo-Croatian	0.09%	0.09%			0.23%			0.03%					0.22%		
Other Slavic languages	0.01%	0.00%			0.01%					0.01%		0.02%	0.01%	0.00%	
Persian	0.01%				0.02%		0.01%						0.02%		
Hindi	0.01%			0.01%	0.02%										
Urdu	0.00%	0.04%											0.01%		
Other Indic languages	0.16%				0.62%					0.01%					
Other Indo-European languages	0.02%	0.00%		0.01%	0.06%									0.07%	0.00%
Chinese	0.12%	0.01%	0.02%	0.26%	0.27%	0.05%	0.01%			0.01%	0.03%	0.15%	0.01%	0.13%	0.11%
Japanese	0.02%	0.01%	0.17%	0.01%			0.00%			0.04%		0.10%	0.02%		
Korean	0.02%	0.05%	0.01%	0.00%	0.02%						0.01%		0.01%		0.12%
Thai	0.02%	0.01%	0.01%		0.06%		0.02%					0.05%	0.01%		
Laotian	0.02%				0.02%									0.17%	
Vietnamese	0.10%	0.01%	0.07%		0.33%							0.06%	0.03%		0.00%
Other Asian languages	0.04%				0.16%									0.05%	0.01%
Tagalog	0.02%	0.01%			0.03%		0.02%				0.01%	0.11%	0.01%	0.01%	0.01%
Other Pacific Island languages	0.01%				0.01%					0.01%	0.01%	0.05%		0.05%	
Other Native N. Amer. languages	0.00%														0.00%
Hungarian	0.00%	0.01%										0.01%			
Arabic	0.05%			0.01%	0.19%									0.04%	
Hebrew															
African languages	0.07%	0.03%	0.01%		0.23%							0.02%	0.01%	0.06%	
Other and unspecified languages	0.00%										0.04%				

Source: 2011-2015 American Community Survey

It can be seen that no language group surpasses 1,000 individuals or 5% of the population in any county in Vermont.

The numbers indicate that the overall LEP population in Vermont is quite small, not even meeting the safe harbor threshold in the federal guidance for LEP, which is 5% or 1000 individuals, whichever is less.

At the statewide level, both French and Spanish have more than 1,000 individuals, but as stated above, the French speakers are spread across the entire northern tier of the state, and Spanish speakers are spread among many counties and reflect primarily migrant farm workers. It would not be an effective use of resources to prepare all vital documents in Spanish and French without a direct request to do so from one or more individuals. If, in the future, there are requests for statewide documents to be translated into French or Spanish (or other languages), VAAFM will honor those requests either by providing the written translation, or contacting those individuals to provide oral translation services to answer their questions.

## **Factor 2 – Frequency of Contact with LEP Persons**

The meat inspection program may provide certain activities and services to entities that are licensed with the Agency: commercial slaughterers, custom slaughterers, commercial processors, custom processors, wholesale distributors, retail vendors, meat and poultry product brokers, renderers, public warehouse operators, animal food manufacturers, handlers of dead, dying, disabled, or diseased animals.

The frequency with which services are provided depends on the type of license.

- State inspected official establishments are provided inspection services every day of operation.
- Federally granted establishments may only receive services from the state related to licensing.
- Custom establishments receive inspection visits at least annually.
- Other entities may receive visits less or more frequently.
- Other non-licensed entities may contact the Meat Inspection section to lodge a consumer complaint, inquire about inspection services, or have other meat inspection related questions.

The meat inspection section does not provide training services or proactive outreach to the community or industry, however, assistance may be provided upon request, related to acquiring inspection services.

To determine the frequency with which LEP persons come in contact with the meat inspection programs, services, and activities, all staff were instructed to capture their contact with LEP persons using Attachment #1.

As indicated in the discussion of Factor I and the results of the employee surveys of LEP contact, the meat inspection program is likely to have direct contact with LEP individuals on an infrequent and unpredictable basis.

- The frequency of contact has been with approximately 1-2 LEP persons per year during surveillance activities of in-commerce firms.



- Providing inspection services to the state meat and poultry establishments that are licensed has not led to interaction in which there was a need for interpretation or translation services, nor has there been and request from LEP persons for this service.
- The frequency of contact by administrative staff with LEP persons calling into the state offices is about 2 per year, related to services provided by meat inspection.

Should an LEP person seek services under the meat inspection program, on-call interpretation services via telephone are available if needed (see table at the end of this section) for both office staff and staff in the field.

VAAFM has received no request for translation services of any documents.

### **Factor 3 – Nature and Importance to LEP Persons of Program, Activities and Services**

To determine the nature and importance of VAAFM programs, activities, or services provided to LEP persons, the meat inspection program is to:

- A. Identify and determine potential impact that inability to access programs, services, or activities may have on the LEP person.
  - Inability to access licensing services: not being able to understand or be compliant with licensing requirements and procedures
  - Inability to lodge a consumer complaint: it could result in the complaint going unresolved, and depending on the complaint could go on affecting others
  - Inability to access information related to inspection services: may result in an LEP person not being able to access the same level of service as non-LEP individuals and have a more difficult time of understanding the requirements to start a meat business
  - Inability to access inspection services: may result in an LEP person not understanding the requirements for inspection, and inability to maintain an inspected establishment and could have a negative impact on their ability to make money
  - Inability to understand requirements for a retail store: may result in non-compliance and action against the store
- B. Identify all documents that are deemed vital in order to communicate information to LEP customers.

The more important the information that is contained in a document, the more likely it will be deemed as vital. The following documents may be considered vital:

- Documents containing notifications of the right to a hearing or appeal, such as a Letter of Warning or a Notice of Violation

- Notification of how to file a civil rights complaint of discrimination
- Notification of available free interpreter and translation services

#### **Factor 4 – Resources Available and Cost**

To determine the resources available to LEP persons and the costs associated with those resources, the Agency explored, and will continue to explore, the most cost-effective means of delivering competent and accurate language services. This exploration included determining the costs associated with a providing a “mix” of LEP services, such as translating documents, contracting interpreters, and other language assistance methods as needed. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.

The resources available to the Meat Inspection Section include telephone interpretation services for both office staff and field staff, and translation services via a state contract with Telanguage. See Attachment 3 for details on Telanguage’s services. Because of the very low incidence of LEP persons in Vermont overall, the even lower incidence of those LEP persons utilizing the services of the meat inspection section, and the infrequent and unpredictable nature of this contact, it appears that a reasonable accommodation would be to provide interpretations services and translation services upon request or demonstration of need. It is not foreseen that the resources available or the cost of translation services will hinder the accommodation of the needs of Vermont’s LEP population at this time.

#### ***H. Services to LEP Persons***

VAAFM maintains interpretive and translation services to assist its staff in providing services to persons whose native language is not English, and whose proficiency in English is limited.

Telephonic Interpretive Services: – The Agency maintains contracts to provide telephonic interpretive services in response to the needs of LEP persons. At the point of first contact with an LEP person, either on the phone or in person, the Agency employee will determine whether the person has limited English proficiency and needs language assistance. Determination of the customer’s primary language and implementation of the appropriate language assistance service then occurs. An individual’s primary language may be identified utilizing the following:

- “*I speak...*” language identification cards. An example the “*I speak...*” card can be found at: <http://www.justice.gov/crt/lep/resources/ISpeakCards2004.pdf>
- Verification of foreign language proficiency by the certified interpreter provided by Telanguage

Written Translation Services: The Agency maintains a contract to provide translation of documents, brochures, application forms and any other needed written materials considered vital or upon request. Based on the four factor analysis, we will provide translation services as needed or requested.

VAAFM will continue to examine its services and survey its employee to determine the extent of contact or the possibility of contact with LEP individuals; and the frequency of contact and the services where LEP individuals are likely to access a program, service, or activity, on an annual basis, or as needed.

If LEP services are refused, the employee shall complete the form in Attachment 7.

## ***I. Communication/Outreach Plan***

The Agency developed a communication plan to inform its employees and customers of the availability and use of LEP services. See [attachment 8](#). LEP services are provided by the State free of charge.

## ***J. LEP Training for Agency Employees***

Meat Inspection Employees will receive appropriate training on addressing language needs of LEP customers. The training will utilize training given by FSIS.

On February 13, 2017, FSIS issued mandatory LEP training to all employees, which our employees took. The interactive training module was made available to all employees in the AgLearn system. Hard-copies of the training module were also made available to field employees without computer access.

## Attachment #1

### VAAFM Survey to record contact with LEP Persons

An individual with Limited English Proficiency (LEP) is defined as a person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English.

The purpose of the survey is to gather information on the number and frequency of contacts that FSIS employees have with LEP individuals where the nature of those interactions is of critical importance in the receipt of federal services. This survey pertains to the language needs of VAAFM customers, and does not apply to VAAFM employees who, in order to perform their duties, must be fluent in the English language.

#### LEP Survey

Name:

Q. Do you encounter LEP individuals in the course of communicating critical information? Critical information is defined as information required for obtaining or retaining state services and/or benefits, or is required by law. Examples include:

- Application procedures and documentation required to apply for grants of inspection
- Documentation and information needed to enforce and ensure compliance with food safety requirements
- Information on recalls

No (If the answer is no, the survey is over.)

Yes (If the answer is yes, proceed to the next question.)

Q. What critical information are you providing to these LEP individuals?

Fill in:

Q. What are the primary languages of these LEP individuals? (Select all that apply)

Spanish

French

Don't Know

Mandarin (Chinese)

Japanese

Vietnamese

Other (fill in):

For each language selected, please answer the following questions:

Q. Over the course of the year, approximately how many people do you encounter that speak this language?

Number:

Q. How often do you interact with these LEP individuals?  
Daily      Weekly      Monthly      Annually

## Attachment #2

### Timeline for Agency LEP Plan Implementation

RESPONSIBLE PERSON/STAFF	ACTION TO BE TAKEN	TIMELINE
State	<ol style="list-style-type: none"> <li>1. Ensure employees who interact with LEP individuals receive LEP training.</li> <li>2. Develop an LEP plan. (Attachmnet #7)</li> <li>3. Gather data for languages spoken in geographic areas being serviced.</li> <li>4. Identify vital documents to be translated.</li> <li>5. Compile and analyze data gathered to determine what LEP services are needed.</li> <li>6. Secure contractor for translation and interpretation services.</li> <li>7. Ensure that there is adequate funding, and that other resources are available to provide effective and efficient LEP services.</li> <li>8. Notify beneficiaries of LEP services.</li> <li>9. Update LEP 4 Factor Analysis</li> </ol>	<p>completed</p> <p>completed</p> <p>completed</p> <p>completed</p> <p>completed</p> <p>Ongoing</p> <p>Ongoing Annual basis</p> <p>completed</p>

### Attachment 3

## VERMONT AGENCY OF AGRICULTURE TRANSLATION AND INTERPRETATION LIMITED ENGLISH PROFICIENCY (LEP) RESOURCES

	Service Provider	Contact	Fee Structure			
<b>TELEPHONIC INTRERPRETATION/ <u>BGS Contract #31184</u></b>	<b>Telelanguage Inc.</b> 514 SW 6th Avenue 4th Floor Portland, OR 92204 <a href="http://telelanguage.com">http://telelanguage.com</a>  Toll Free: 1.800.514.9237  E-mail Tim Bernal: <a href="mailto:tbernal@telelanguage.com">tbernal@telelanguage.com</a>	Provide over-the-phone interpreting of language-assisted calls 24 hours a day, 7 days a week, 365 days a year: <ul style="list-style-type: none"><li>• <b>800-514-9237</b></li><li>• Say or enter your access code <b>48773</b></li><li>• Say the <i>language needed</i></li><li>• After this you will be connected with your interpreter</li></ul>	Category	Cost	Minimum	
			Telephone Interpretation All Languages	\$0.72 per minute	None	
			Video Interpretation	\$3.75 per minute	None	
			Invoices shall be submitted to the agencies' listed invoicing address on their account			

<b>WRITTEN TRANSLATION</b>	<b>TELELANGUAGE, INC.</b> <b>514 SW 6th Ave   4th Floor   Portland, OR 97204</b>  Tim Bernal Project Manager <b>Toll-Free 888.983.5352  </b> <b>Direct: 503.535.2178</b> E-mail: <a href="mailto:tbernal@telelanguage.com">tbernal@telelanguage.com</a>	To request written translation services: <ul style="list-style-type: none"> <li>• send to <a href="mailto:translations@telelanguage.com">translations@telelanguage.com</a></li> <li>• Simply include your document and your access code and we will provide you with a quote and an estimated time of delivery</li> </ul>			
			Category	Cost	Minimum
			Written Translation	\$0.28 per word	None
			Written Technical	\$0.30 per word	None
			Written Translation Rush Service within 24 hrs	20% more than base	None
Invoices shall be submitted to the agencies listed in the invoicing address on their account					





## Attachment 4

### *To Access an Interpreter*

#### *Over the Phone Interpretation Services:*

- Dial **800.514.9237**
- Say or enter your access code (48773)
- Say the language needed
- After this you will be connected with your interpreter

#### *Quick Tips*

- Speak clearly in first person during the call and encourage clarification
- Speak in short sentences and pause often for interpretation
- Recognize and acknowledge cultural issues quickly and respectfully.

## Attachment 5

Use this chart to phonetically say **Please Hold** or **One Moment, Please** when you need to place a Limited English Proficient caller on hold to access an interpreter.

English	Please Hold	One Moment, Please
<b>Arabic</b>	Arjoo alintithar	Lahtha min fadlek
<b>Armenian</b>	Khntroom enk spasel	Mi rope
<b>Chinese</b>	Qǐng bié guà jǐ	Qǐng nín shāo děng
<b>Farsi</b>	Lotfan gooshee	Yek Lahzeh lotfan
<b>French</b>	Vuyeh pahsyontay	Uhng momeng sil voo play
<b>German</b>	Bit-tuh lay-gen zee niht owf	Bit-tuh hah-ben zee einen moment ge-dould
<b>Italian</b>	Attay nday ray pray-goh	Uhn moh may ntoh pray-goh
<b>Japanese</b>	Omachiqudasai	Sukoshi omachiqudasai
<b>Khmer</b>	Sōm cham bontèk	Sōm cham mūy plait
<b>Korean</b>	Jam kkan man yo	Jam si man yo
<b>Mandarin</b>	Qǐng bié guà jǐ	Qǐng nín shāo děng
<b>Portuguese</b>	Por fahvorh, ahguahrdee	Oong momentu por fahvorh
<b>Russian</b>	Po-zha-lui-sta po-do-zhdi-te	Ad-nu mi-nut-ku
<b>Spanish</b>	Ace-pay-rae poor-fah-vohr	Oon moe-main-toe poor-fah-vohr
<b>Vietnamese</b>	Sin zu may	Doi mot Lat



Please **point to your language**, we will call an Interpreter.

<b>Spanish</b> — Español .....	Por favor, señale su idioma. Nosotros llamaremos a un interprete.
<b>Amharic</b> — አማርኛ .....	“እባክዎ ቋንቋዎን ጠቁመው ያሳዩ። እንደ አስተርጓሚ እንጠራልዎታልን።”
<b>Arabic</b> — العربية .....	رجاء، أشر إلى لغتك. سندعوا لك مترجما.
<b>Bosnian</b> — Bosanki .....	Molim vas pokazite na vas govomi jezik. Mi cemo pozvati prevodioca.
<b>Burmese</b> — မြန်မာစာ .....	ကျေးဇူးပြု၍ခင်ဗျားရဲ့စကားကိုပြောပြပါ ခင်ဗျားကိုစကားပြန်ခေါ်ပေးမယ်။
<b>Cambodian</b> — ខ្មែរ .....	សូមចង្អុលទៅភាសារបស់អ្នក ។ យើងនឹងទូរស័ព្ទទៅអ្នកបកប្រែអ្នក ។
<b>Cantonese</b> — 廣東話 .....	請指示您所講的語言。我們會找翻譯。
<b>Creole</b> — Creole .....	S'il vous plait, signale ki less ki language ou. Na va rele yon inteprete
<b>Farsi</b> — فارسی .....	لطفا به زبانی که حرف میزنید اشاره کنید. ما یک مترجم صدا مکم
<b>French</b> — Français .....	S'il vous plait, montrez nous la langue que vous parlez. Nous vous appellerons un interprète.
<b>Hindi</b> — हिन्दी .....	कृपया अपनी भाषा की ओर इशारा कीजिये । हम एक अनुवादक को बुलायेंगे ।
<b>Hmong</b> — Hmoob .....	Thov taw rau koj yam lus. Peb mam li hu rau ib tus neeg pes lus.
<b>Japanese</b> — 日本語 .....	あなたの国の言葉を指してください。通訳者におつなぎします。
<b>Karen</b> — ကညီကလုာ် .....	ဝံသးစူးဒူးနဲာ်ဘဲာ်နကတိၤကျိာ်တက့ၢ်,ပကကိးန့ၢ်န့ၤပကတိၤကျိးထံတၢ်လီၤ
<b>Korean</b> — 한국어 .....	당신의 모국어(母國語)를 가리켜 주십시오. 통역관(通譯官)을 연결시켜 드리겠습니다.
<b>Lao</b> — ລາວ .....	ກະລຸນາຊີ້ແຈງພາສາຂອງທ່ານ. ພວກເຮົາຈະໂທຫາຄ່າມແປພາສາ.
<b>Mandarin</b> — 國語 .....	請指示您所講的語言。我們會找翻譯。
<b>Portuguese</b> — Português .....	Por favor, aponte seu idioma. Nós chamaremos um intérprete.
<b>Romanian</b> — Română .....	Vă rugăm, indicați limba dumneavoastră. Vă vom chema un interpret.

**Attachment 6**

**Current state contract with Telelanguage**

**Attachment #7**

**LEP Release Acknowledgment Form**

I hereby affirm that I offered language assistance or interpreter services at no cost to \_\_\_\_\_ and the services were declined. I

explained that the use of a family member or friend for the aforementioned services could result in a breach of confidentiality, violating his/her individual privacy, and could disclose sensitive and confidential information that he/she would not like disclosed.

**Name (Printed):** \_\_\_\_\_  
(Employee)

**Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

## **Attachment #8**

### **Communication Plan Guidance for Providing Services to LEP Customers**

#### **Purpose of Communication Plan**

It is the State's policy to ensure that reasonable steps are taken to provide meaningful access and an equal opportunity to participate in services, activities, programs, and other benefits to individuals whose first language is not English. The purpose of this communication plan is to provide guidance to employees regarding how to ensure that interpreting and translating services are provided to Limited English Proficient (LEP) customers.

For the purpose of the plan, LEP customers are defined as individuals who conduct business with the Agency who do not speak English as their primary language and have a limited ability to reason, speak, write or understand English.

This communication plan will ensure that oral interpretation and written translation of vital documents and other critical information is provided to LEP persons and/or their authorized representatives. All interpreters, translators, and other aids needed to comply with this plan will be provided without cost to the LEP customer. LEP customers and their authorized representatives will be notified of the availability of such assistance free of charge.

Language assistance for LEP customers will be available through the use of certified contractors that provide interpretation and translation services.

#### **Procedures for Providing Language Assistance to LEP Customers**

At the point of first contact with an LEP person, the employee will determine whether the person has limited English proficiency by determining his or her primary language. An LEP customer's primary language can be identified by utilizing one of the following methods or a combination of both:

**A.** Language identification poster displayed in the Secretary's Office and in the Meat Inspection office. The poster is displayed in a location where it can be easily seen by the LEP customer upon entering the office.

**Obtaining Interpreting Services for LEP Customers:** Once a determination is made that LEP services are needed, the VAAFM employee should initiate contact with the Agency's contract interpreter by following the guidance provided in the *To Access an Interpreter* resource document. Once contacted, the contract interpreter will assist with ensuring that interpretation services are provided. At all times while service is being provided, the VAAFM employee will facilitate the interpretation services to provide assistance to the contract interpreter and the LEP customer, as needed. The LEP customer should not simply be provided the telephone number to the contract interpreter. The Agency will provide qualified interpreters 24 hours a day, 7 days a week.

**Obtaining Translation Services:** Once a determination is made that translation services are needed, contact and interaction with the Agency's contractor for translation services is initiated. Certified translation services will be provided within a minimum of 72 hours upon request and no later than 30 days depending upon the urgency of the request.

If interpretation or translation services are offered to the LEP customer and refused, the VAAFM employee must complete *LEP Release Acknowledgment Form*, Attachment #7, and submit to the meat inspection office.

### **LEP Training for Employees**

This communication plan will be distributed to the VAAFM inspection staff as a guidance for interactions with LEP customers. In addition, all employees have received appropriate LEP training that included:

- Develop an understanding of USDA's Limited English Proficiency policy
- Executive Order 13166
- Understanding discrimination related to LEP
- Procedures for Addressing the Needs of LEP Customers
- Types of Language Services

On going training will be provided as appropriate.

### **Notifying LEP Customers of Available LEP Services**

To ensure that LEP customers are aware of the interpretation and translation services that are made available by the Agency, customers are informed in one or more of the following methods:

- Notifications on the Agency's website;
- Displaying LEP identification posters in the Agency office;
- Providing administrative assistants in the main office (typically the first point of contact) interpreter services cards to facilitate the useage of the interpretation service if needed; and
- Disseminating information about the availability of LEP services during outreach with community organizations and other groups, if done.
- Briefings to Agency leaders, managers, and supervisors about the creation of the LEP plan, and availability of interpretation and translation services.

This communication plan is subject to change as necessary, in accordance with the needs of the Agency or the customers being served.